

# PLEASE IN FAVOR OF LYNCH LAW

(Continued From First Page.)

Lynching in Alabama. This statement was greeted with applause.

## Interesting Discussion.

So absorbing did the problems of modern penology prove to the Conference of Governors that the entire afternoon session of three and one-half hours yesterday was occupied in its consideration. It was evidently deemed one of the live topics of the day. The employment of convicts, their sentences, their treatment behind prison walls, compensation to their families for their labor, the whipping post, all received attention, and met with varying views.

The Governors had planned to talk about marriage and divorce yesterday, but could not reach this subject, which may be taken up to-night. The discussion was opened by Governor John F. Shafroth, whose State of Colorado has made a specialty of the study of the convict problem. He began by telling of the different ideas which prevail in this respect. One class believes in punishment for example, and thinks it should be certain and severe, or crime and anarchy will be rampant in the land.

## Two Harmful Viewpoints.

Yet, he said, this is a mistaken view. Two hundred years ago England had more than 100 capital crimes, yet the punishments did not deter offenses. When the retribution is too severe, it makes it difficult to secure convictions, and many escape justice. Once there was torture, the dungeon, bread and water, yet the world knows that this is not the way to prevent crime. Therefore, the philosophy of the first school is not well founded.

A second class says that there should be no severe punishment—no capital punishment at all, no long sentences, and that the pardoning power should be freely exercised for many pardons and commutations. Many excellent men, he added, believe in this, prompted by humane ideas.

This doctrine was thought dangerous by Governor Shafroth, who said the courts might as well be abolished if they do not impose sentences that will make criminals fear the law, or if their judgments are to be overruled by use of the pardoning power.

Between the two classes mentioned, said Governor Shafroth, is to be found the happy mean. Plans tried out in Colorado have produced radical changes in the reformation of criminals, and have resulted in lessening crime.

## Colorado's Reforms.

In the first place, the certainty of punishment is a necessity. Second, pardons should not be issued except in the rarest cases. He has granted but one in four years, he said. Third, the indeterminate sentence is desirable.

Certainty of punishment he felt to be the greatest deterrent, and the next step after conviction is to let the criminal earn his own liberty. This is done by a maximum and minimum sentence. Supposing a prisoner is sent up for ten to twenty years. If his behavior is good, he is released at the end of ten years. If he violates the law, he is put back to serve out the rest of the indeterminate sentence, so that he has every incentive to good citizenship.

Besides, for good behavior and obedience to prison rules, he earns one month off the first year, two months the second year, three months the third year, four months the fourth year, five months the fifth year, six months the sixth year, and six months for each year thereafter.

Again, and still further, those prisoners who, by their conduct, are regarded by the warden as trustworthy, are permitted to go out and work on the roads. This kind of labor gives additional time off to the amount of one-third of the time expended on the highways.

## Earn Much Commutation.

Altogether, by doing the very best that he can, a man with an indeterminate sentence of ten to twenty years may earn his own release on parole within four years and three months. The guards are not armed. They are themselves trustees. In the four years of this plan there has been no

general attempt to escape. The net loss in two years has been four prisoners through escapes. There is every incentive to the prisoner to earn his liberty and none to get away, for if caught the man goes back to the prison and must serve the maximum sentence. With this machinery, it has been found desirable to pardon but one man in four years in Colorado.

Governor Shafroth added that he always takes up the petition of a man who claims he is innocent of the crime, but unless the sentence is very severe and out of the usual proportion, he will not consider application for clemency from a man proven guilty. Pardons under such a system are regarded unnecessary. Besides, the use of the pardon power breeds distrust among the people, who feel that the man with influence can get the ear of the Governor, and the result is lack of public confidence in the executive and in the pardon boards where they exist.

## More Than Half on Roads.

More than 50 per cent of the prisoners in Colorado are working on the roads, being on the trusty list. In reply to a question from Governor Hadley of Missouri, Governor Shafroth said that the prison population of his State is 800, and to one by Governor Mann he replied that the population of the State is 800,000.

His warden was selected with the greatest care. No man who uses intoxicating liquor was considered. He chose a man not known in politics, but with experience in buying and saving. First he was given fifty men out to work without day guards. They had to blast rock, and were trusted with dynamite. There was no ball and chain, no inclosure. A photograph furnished amusement. The men worked eight hours and then spent the time as they pleased. A trusty with a gun guarded at night. Each man became a guard for all, for they knew that if many escaped, the system would be discontinued. One man who escaped was followed by a fellow-convict for eight hours and brought back to camp by him.

## Develops Manhood.

Many excellent qualities exist in prisoners, said Governor Shafroth. "There is," he said, "a spark of honor in their souls. They may make excellent citizens."

In the prison the men make shoes and clothing for prisoners. There has been no objection that they compete with free labor, nor do the farmers kick because a farm is operated.

Three especially good pieces of roads made by convicts were spoke of by Governor Shafroth. One of these is the "skyline drive," near Canyon City. At first the new warden took the stripes off after ninety days. Now he is going to leave them off altogether.

Many questions were asked the Colorado Governor before he could take his seat. He said that he was not prepared to pay convicts for their labor, but that he was very close to favoring it. He said he had refused to pardon men recommended to clemency by the Pardoning Board, this being his right. He has released a prisoner for thirty days on parole, to go home and see his sick wife. To trust a man and let him see that you trust him, he concluded, will develop in him a spirit of manhood.

## Favors Whipping Post.

Somewhat different views were taken by Governor Simon E. Baldwin, of Connecticut, who spoke next. He told of the various views of treatment of prisoners, one being the classical and one the Italian, which he said was good magazine talk, but was made up of "sentimental humanitarianism and theoretical psychologism."

One of Governor Baldwin's pungent shots—and they were not few—was: "Any theory of government that is not brand new stands presumptively discredited to-day." He caused a good deal of interest in his somewhat original treatment of the matter of punishments. Not criticizing indeterminate sentences, he said he could not think them effective in some cases, say for wife-beaters or for burglars who torture their victims to extort treasure. If they knew beforehand that a certain kind of punishment would be inflicted they might be deterred. For instance, the whipping post might be a great help in the matter of wife-beating. A sentence of something which involves sharper pain than imprisonment, even if of shorter duration, might accomplish something. Schoolboys, he said,



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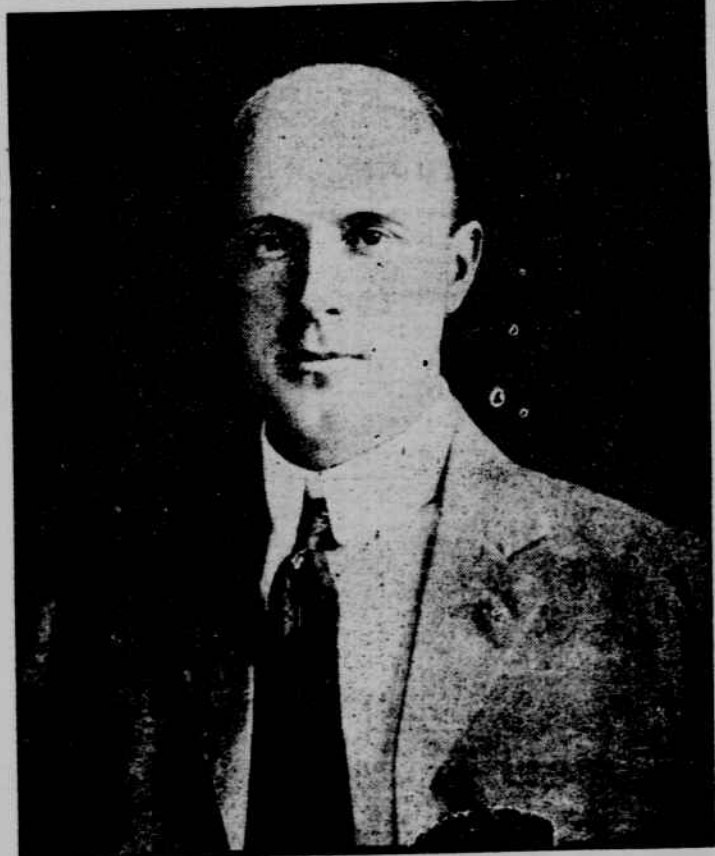
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## Will Speak on Divorce



GOVERNOR TASKER LOWNDES ODDIE, OF NEVADA.

are whipped, and it involves no shame unless want of pluck causes the victim to squeal. In Virginia now boys under sixteen may be whipped, in the discretion of the court, for minor offenses, with the consent of the parents.

"Apprehension of bodily pain," said Governor Baldwin, "is a strong deterrent. Whipping is often the best incentive to education and reform. Sending people to prison, there to remain at the will of one man or a set of men, does not comport with our modern ideas of government. The community and the prisoner should know what the punishment is. The State cannot accept remorse in lieu of penalty. Nor should a sentence without definite termination work so as to bring about a virtual pardon. Public justice demands serious punishment for serious offenses."

**Punish for Carrying Weapons.** Conditions differ in localities, said Governor George W. Donaghey, of Arkansas, who next secured the floor. For instance, in a Northern State not long since almost all the people in one county were indicted for election offenses. It was obviously impossible to send all of them to the penitentiary. The best thing, in his opinion, was for the State to remove the cause.

So Governor Donaghey would have more strenuous punishment for selling or carrying concealed weapons. He criticized any State that permits the sale and then imposes a nominal fine for carrying them. He had never, he said, pardoned a prisoner who had been convicted of carrying a pistol or of illegally selling liquor. There was scarcely ever a lynching, he said, but that there was a jug of liquor behind it. No punishment, in his opinion, would deter so much as the fear of death. But he thought pardons could be properly issued in cases of disease. The convict lease system he denounced as "murdering them alive."

Treatment of prisoners, like all else, must be measured by results, said Governor Herbert S. Hadley, of Missouri. The prison population of the country is increasing three times as fast as the general population, clearly showing that something is wrong with the

ernor Shafroth, been in use in South Carolina, he would have been saved much personal trouble.

He then launched into a defense of his record.

Negroes, said Governor Bleas, had been sent to prison for long terms. Their parents might die, and they would be forgotten by the world. With no money to pay a lawyer, they would stay in the penitentiary. Many white people were in the same condition. He had received petitions signed by the best people, and when public sentiment had clearly indicated its desire, he had considered himself the servant of the people and had issued the pardon. This he did regardless of criticism.

Sometimes, said Governor Bleas, application would be made for political purposes by his enemies, so that if he issued pardons they would be used against him. There, he had to be careful.

## Denounces Lease System.

"I went to the penitentiary myself," he continued. "There I found a tuberculosis incubator, called a hosiery mill, making consumptives to go out and spread disease among their families. Men were dying at work, making money for people who fattened on blood and bone and flesh of those who had to work or take the lash with none to speak for them. I took their names and learned their history, and I am glad to say I have pardoned or paroled 400 persons in twenty-two months. By the end of my present term I hope to make it 800 for the four years."

"Some of the best men in South Carolina have helped to lynch negroes. I shall never order out the militia to shoot down their friends in order to protect a black brute who has laid his hands on a white woman."

He then uttered his comments in favor of lynch law. He told of the political influences that come to a judge, who may have the same coming up for sentence for the same offense. One has friends who represent that one of them is a boy of a good family. The judge gives him two years and gives the other, for whom no one has passed cigars, and over whose case no social glass has been raised, seven to ten years.

## Position of Judges.

Governor Bleas said he has a letter from a South Carolina judge who said he would endorse a certain application for clemency, as the evidence did not justify the sentence. Yet, he asserted, that judge had imposed the life sentence in this case. There is a negro now awaiting execution, and the judge said that at the time of the trial he did not feel the man ought to die. Yet he sentenced him to death.

When he has issued his pardons, said Governor Bleas, "the press has come out with big headlines—'Executive Clemency,' followed by the words 'pardons and commutations so many to date.' That is the proudest 'so many' I have ever had said of me."

He found one negro in prison, he said, who had served twenty-two years for stealing a \$27 watch, and had been convicted of housebreaking. He got a pardon. Another had served eleven years and seven months for stealing \$9 from the person. He was pardoned.

## Martyr to Duty.

"But," said Governor Bleas, with fine modesty, "you don't always find Governors who are not afraid of the political issue." All the newspapers in South Carolina, he said, except three, had fought him, with all the corporations, the railroads, the cotton mills and other interests, "in the United States." He had defended his record in every community of the forty-four counties, and had triumphed. Burns detectives had hounded him, trying to find if pardons had been sold.

Once an escaped convict came to his office. He had no friends nor money, and had run away to get a petition for clemency. Governor Bleas said he could not pardon him at the moment, but he would serve him seven months, or half the prison population would be running away to get a pardon. So he sent the man back to take the punishment for his offense, and

then released him after a couple of weeks.

"Don't take the other man's words for it," the South Carolinian advised the Governors. "Go to the penitentiary and to the convict camps and see for yourself. A judge is often a better prosecutor than is the prosecuting attorney. Remember the injunction of Scripture: 'I was sick and in prison, and ye visited Me. Forasmuch as ye did it unto one of the least of these, My brethren, ye did it unto Me.'"

## Make Law Supreme.

Governor Joseph M. Brown, of Georgia, said that the process of law in Georgia shall be supreme. He had offered to turn out the entire militia of the State to protect order. He had refused a pardon to a rich man, and had won his re-election because of his pledge not to abuse the pardoning power. Life prisoners in Georgia, he said, are not paroled until they have served ten years.

Here Governor Francis E. McGovern, of Wisconsin, chairman of the executive committee, called attention to the lateness of the hour, and tried to get consideration of the other topics for the day. But the others were too much interested.

Governor Emmet O'Neal felt very strongly about the lax methods of courts in the United States. He felt that this country is taking the lowest rank of any in the world. There are too many appeals in criminal cases. Courts are too lenient. He used figures of comparison with European countries, where there are far fewer murders to the population, and where justice is certain and quick. He blamed antiquated methods of court procedure with this condition of affairs.

## Many Reversals Heard.

In President Taft's recent pronouncement on this subject, it was said that of 100 appeals, fifty cases had been reversed. Appeals drag on interminably.

In Alabama, said Governor O'Neal, there are reforms at work, and public sentiment is aroused. He hopes to get laws through limiting appeals to six days, and requiring that they shall not be entertained at all unless it appears there has been a miscarriage of justice. Technicalities are to be waived aside.

He then told of his dealings with sheriffs, and how he has averted lynch law in Alabama.

Governor William W. Kitchin, of North Carolina, spoke briefly in conclusion, and the conference then adjourned to 8 o'clock to-night.

## Reception Last Night.

A reception tendered the visitors by the city of Richmond was a brilliant social event of last night at the Jefferson Hotel. Governor and Mrs. Mann, Mayor and Mrs. Ansley, with members of the Governor's staff in full uniform, were in the receiving line. Invitations had been sent out to a list of guests, and the entire affair was most pleasantly enjoyed.

The Conference of Governors was late in getting started yesterday. Those here early in the day took breakfast with Governor and Mrs. Mann at the Executive Mansion, automobiles being used to convey them from the hotel. It was 11 o'clock when the executive committee, called the morning session, while Governor Joseph M. Carey, of Wyoming, presided in the afternoon. M. C. Riley, of Madison, Wis., is acting secretary.

A plan of organization will be presented later, and it is understood to include the employment of a permanent secretary.

## Go to Beach To-Day.

The Governors and their parties will leave Richmond at 5 o'clock this morning on a special train to spend the day at the guests of the city of Norfolk, which is entertaining the National Game Association. After a short time in that meeting, the party will go to Virginia Beach for an oyster roast. Another special over the Norfolk and Western will bring them back in time

for the session to-night, when organization will be discussed and general business will be transacted. Suffrage will come up at some time during the meeting—perhaps to-morrow afternoon. Dr. Anna Howard Shaw is expected to address the Governors on this subject.

The following Governors had arrived up to last night, with others who wired they were on the way: Emmet O'Neal, Alabama; George W. Donaghey, Arkansas; John F. Shafroth, Colorado; Simon E. Baldwin, Connecticut; Albert W. Gilchrist, Florida; Joseph M. Brown, Georgia; James H. Hawley, Idaho; Frederick W. Plafsted, Maine; Eugene N. Foss, Massachusetts; Adolph O. Eberhart, Minnesota; Herbert S. Hadley, Missouri; Edwin L. Norris, Montana; Tasker L. Oddie, Nevada; John A. Dix, New York; William W. Kitchin, North Carolina; Judson W. Harmon, Ohio; John K. Tener, Pennsylvania; Cole L. Bleas, South Carolina; William Spry, Utah; William Hodges Mann, Virginia; Francis E. McGovern, Wisconsin; Joseph M. Carey, Wyoming; Governor-elect Trammell, of Florida; former Governor John Franklin Fort, of New Jersey; and Augustus E. Wilson, of Kentucky.

## Conference Notes

It is always interesting to see in the flesh men who are in the public eye the country over through the newspapers—men who have done something or been in a fight or have triumphed in a doubtful State, or something of that sort. One looks unconsciously for the resemblance to the newspaper cuts, and even more searching for signs of just how the cartoonist evolved his conception of each individual.

So, in the Conference of Governors now in progress in Richmond there are many men who are known all over the country. It is interesting to see how Governor John F. Shafroth, of Colorado, does not look in the least like his pictures, and how the photographs of Governor John A. Dix, of New York, look more like him than he looks like himself.

Then, again, one knows exactly why the Governor of Georgia is called "Little Joe Brown," for he is no larger than a minute. And one sees by a glance at his head why his people elect him.

And one can see that Governor Cole L. Bleas, of South Carolina, is called "Little Joe Brown," for he is no larger than a minute. And one sees by a glance at his head why his people elect him.

There are a good many beards in the conference and a good many bald heads. Governor somewhat patriarchal, Wyoming, is somewhat patriarchal, and Governor Simon E. Baldwin, of Connecticut, has not permitted his psychological inner consciousness to dwell upon personal beauty. He has used his gray matter elsewhere.

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